

**CITY OF SAN ANTONIO
MAYOR'S OFFICE
INTERDEPARTMENTAL MEMORANDUM**

TO: Councilman Julian Castro, *District 7*; Councilman Art Hall, *District 8*; Councilman Carroll Schubert, *District 9*; Susan Wright, *Chair, Planning Commission*, Mitch Meyer, *Planning Commission*; Robert Hunley, *Planning Commission*; Dr. Francine Romero, *Planning Commission*.

FROM: Mayor Ed Garza

COPIES: City Council; Terry Brechtel, *City Manager*; Rolando Bono, *Deputy City Manager*; Melissa Byrne Vossmer, *Assistant City Manager*; Christopher Brady, *Assistant Manager*; Jelynn Burley, *Assistant City Manager*; Andrew Martin, *City Attorney*; Leticia Vacek, *City Clerk*; Emil Moncivias, *Director, Planning Department*; Florencia Pena, *Director, Development Services Department*; Walter Ague, *Assistant to the Mayor*; Gayle McDaniel, *Assistant to Council, File*

SUBJECT: Appointment of Task Force – Vested Rights Review

DATE: September 1, 2004

The city's construction and application of Chapter 245 of the Texas Local Government Code and city code provisions concerning "vested rights" has been a topic of concern by all stakeholders involved in the development process. Developers and landowners have asserted the city's interpretation of the law is unduly restrictive, while environmental and neighborhood interests express concerns the city is and has been far more lenient towards developers than is required by law. Three lawsuits initiated by a landowner in the past few months target the city's compliance concerning "vested rights" for the landowner's property. The city is responding to those lawsuits through the judicial system.

Because of the importance of this issue to San Antonio, I am appointing a seven (7) member task force composed of three (3) members of the City Council and four (4) members of the Planning Commission to review and report to the City Council on vested rights. The task force should identify and focus on significant legal and practical issues raised by city policies, procedures, and requirements relating to claims of vested rights under state law and the city code. I trust the task force will solicit comments, experiences, and suggestions from all stakeholders in the vested rights process.

I'm asking the task force to provide to the City Council, no later than October 15, 2004, any recommendations it may have to bring as much certainty and consistency to the vested rights process as is possible. Those who make or challenge a claim to vested rights should at least agree that San Antonio applies the laws that govern these claims in a manner that complies with the law and provides an understandable, efficient, and predictable process.

Staff support for the Task Force will be provided by the Office of the City Attorney.



EDWARD D. GARZA
Mayor